

PATENT

U.S. Patent Application Serial No. 10/803,032Attorney Docket No. 03-4056REMARKS

This Reply is responsive to the non-final Office Action¹ of November 15, 2005. Claims 1-33 were presented for examination. Claims 4, 12, 16 and 20 were objected to and the other claims were rejected. Claims 1, 10, 18, 28 and 33 are independent claims and are amended herein. Dependent claim 3 is also amended to depend from a non-canceled claim. Claims 2, 4, 11, 12, 19 and 20 are canceled. Claims 1, 3, 5-10, 13-18, 21-33 are pending.

Claims 1, 5, 9 and 33 are rejected under 35 U.S.C. §102(b) as being anticipated by Farris et al., U.S. Patent No. 5,751,789 (referred to hereinafter as "Farris"). Claims 18 and 23-26 are rejected under 35 U.S.C. §102(e) as being anticipated by Cardina et al., U.S. 2004/0214569 A1 (referred to hereinafter as "Cardina"). Claims 2 and 3 are rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of Minarczik et al. U.S. Patent No. 5,790,631 (referred to hereinafter as "Minarczik"). Claim 6 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of well known Prior Art (MPEP 2144.05). Claim 7 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of Ehreth U.S. Patent No. 6,246,750 B1 (referred to hereinafter as "Ehreth"). Claim 8 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of McKenna et al. U.S. Patent No. 6,829,486 B2 (referred to hereinafter as "McKenna"). Claims 10, 13, 14, 15 and 17 are rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of Datta U.S. 2005/0108427 A1 (referred to hereinafter as "Datta"). Claim 11 is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of Patron et al. (U.S. 2005/0063333 A1) (referred to hereinafter as "Patron"). Claim 19 is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of Ad-Hoc network definition (What is.com).

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicant may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicant does not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicant deems allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicant that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

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Claim 21 is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of Datta. Claim 22 is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of well known Prior Art (MPEP 2144.05). Claim 27 is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of McKenna. Claims 28 and 30 are rejected under 35 U.S.C. §103(a) as being un-patentable over Farris. Claim 29 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of Patron. Claims 31 and 32 are rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of Patron, and further in view of Datta.

Claims 4, 12, 16 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant acknowledges the allowability of these claims with appreciation. Rather than rewrite these allowable dependent claims in independent form, Applicant has inserted the limitations of the allowable dependent claims and those of any intervening dependent claims, into their respective independent claims.

Applicant has amended claim 1 to include the limitations of allowable claim 4 therein, canceling claims 2 and 4. Accordingly, claim 1 is allowable and all claims dependent therefrom, namely claims 3 and 5-9, are likewise allowable.

Applicant has amended claim 10 to include the limitations of allowable claim 12 therein, canceling claims 11 and 12. Accordingly, claim 10 is allowable and all claims dependent therefrom, namely claims 13-17, are likewise allowable.

Applicant has amended claim 18 to include the limitations of allowable claim 20 therein, canceling claims 19 and 20. Accordingly, claim 18 is allowable and all claims dependent therefrom, namely claims 21-27, are likewise allowable.

Applicant has amended claim 28 to include the equivalent of the limitations of allowable claim 4 therein. Accordingly, claim 28 is allowable and all claims dependent therefrom, namely claims 29-32, are likewise allowable.

Applicant has amended claim 33 to include the equivalent of the limitations of allowable claim 12 therein. Accordingly, claim 33 is allowable.

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Applicant does not necessarily acquiesce in these rejections and the instant acceptance of claim breadth afforded by the allowable claims is not to be construed as agreement with the Examiner's position on all points raised in the Office Action.

In view of the above, all pending claims are submitted to be allowable and early passage to issue is respectfully requested.

Applicant expressly reserves its rights to file a continuation application to pursue claim breadth consistent with the independent claims as originally filed.

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CONCLUSION

Reconsideration and allowance are respectfully requested based on the above amendments and remarks. It is respectfully submitted that all claims and, therefore, this application are in condition for allowance.

If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (972) 718-4800.

To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. Please charge any other fees due, or credit any overpayment made to that account.

Respectfully submitted,

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